

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW

222 DELAWARE AVENUE

P. O. BOX 1150

WILMINGTON, DELAWARE 19899

TELEPHONE

302-654-1888

FACSIMILE

302-654-2067

September 21, 2005

The Honorable Sue L. Robinson
United States District Court
844 King Street
Wilmington, Delaware 19801

VIA ELECTRONIC FILING

Re: L.P. Matthews LLC v. Bath & Body Works, et al.,
C.A. No. 04-1507-SLR

Dear Chief Judge Robinson:

In anticipation of this afternoon's discovery status conference in the above matter, we write to advise the Court that plaintiff L.P. Matthews LLC intends to seek the Court's assistance in resolving the following matters:

1. Deficiencies in the Kao defendants' 554-page document production, which includes no correspondence, no executed certificates of analysis, no executed manufacturing records, incomplete (only three of six) revisions to blank manufacturing records, no patent licenses for accused products (or other damages discovery related to a reasonable royalty analysis except for gross and net sales figures and annual reports), and no documents reflecting the corporate structure of Kao Brands Company.
2. Kao Corp.'s objections to discovery requests on the grounds that the accused products are Kao Brands Company's products and not Kao Corp.'s products.
3. The scope of the Kao defendants' relevance objections.
4. The Kao defendants' incomplete responses to interrogatories seeking their invalidity contentions and non-infringement contentions.
5. Deficiencies in BBW's document production, which includes no correspondence, executed certificates of analysis for only 5 of the 36 accused products, no executed batch records, no pH test method, no lab notebooks, no contracts for its three contract manufacturers, and limited damages discovery (two patent licenses and gross and net sales figures).

Respectfully,

/s/ John G. Day

John G. Day (I.D. #2403)

JGD/nml

161574.1

c: Clerk of the Court (via ECF File and Serve)
Robert A. Auchter, Esquire (via electronic mail)
Francis G.X. Pileggi, Esquire (via electronic mail)
Michael J. Zinna, Esquire (via electronic mail)
Richard L. Horwitz, Esquire (via electronic mail)
Arthur I. Neustadt, Esquire (via electronic mail)